IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.RC.No. 6 of 2002(E)

CRA.151/1997 of SESSIONS COURT, THODUPUZHA
CC.228/1992 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, DEVICOLAM

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PARTIES :

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR.

BY PUBLIC PROSECUTORMR. AMJAD ALI

2. THANKAM STEPHEN,8 MURI,
LAYAM TOP DIVISION,
ARUVIKKAD ESTATE,
K.D.H.VILLAGE.

3. STEPHEN,S/O.DHARMALINGAM,
-DO- -DO-

4. MARIA,D/O.STEPHEN,
-DO- -DO-

5. ALEX,S/O.MANDEX,
-DO- -DO-

BY ADV. SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH

THIS CRIMINAL RIVISION CASE HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.C.NO. 6 OF 2002

DATED THIS THE 9TH AUGUST 2007

ORDER

Suo motu revision was taken with respect to the order of the Sessions Judge in Crl.A.No.151/1997 as it appeared that the appreciation of evidence was not proper. The offences are under Sections 452, 323 and 427 read with Section 34 I.P.C. The incident is dated 13-6-1992. I find that after this much of delay it would not be proper to remit the matter back to the court below. Hence, the revision case is closed.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.C.NO. 6 OF 2002
ORDER

9-8-2007

RC 3

Suos motu revision was taken with respect to the order of the Sessions Judge , Pathanamthitta in Crl.A.24/93 wherein the Sessions Judge set aside the order of conviction and sentence passed bdy the Magistrate and the accused was acquitted with respect to an offence under Section 326 I.P.C. it appeared that the appreciation of evidence by the Sessions Judge was not fair. The trial court had convicted the accused to undergo rigorous imprisonment for six months and to pay a fine of Rs.6000/- and in default to undergo simple imprisonment for three months. He victim had sustained fracture of the right tibia. I find that the mater is of the year 1991. In the circumstances and in view of the long delay, it would not be appropriate to remit the matter back to the court below. Hence, the Crl.R.C.is closed.

8/02

Suo motu revision was taken with respect to the order of the Sessions Judge in Crl.A.No.139/1902 over the decision in C.c.No.132/92 with respect to the offence under Section 27(i)(e)III and 27(i)(e)IV of the Kerala Forest Act. The appellate court confirmed the conviction only for the offence under Section 27(i)(e))IV of the Act. It appeared that the appreciation of evidence by the appellate court was not proper.

I find that the date of the incident is 26-8-1994 and the loss caused to the Government is Rs.1200/-. In the circumstances, I find that it would not be appropriate to remit the matter back to the court below at this belated stage. The Crl.R.C.is closed. RP

819/00

The revision petitioners are accused 2and 3 in C.C.No. 763/1998 with respect to the offence under Section 138 of the negotiable Instruments Act. The appellate court confirmed the conviction and sentenced the accused to undergo imprisonment till the rising of the court and to pay a sums of rs.6,05,000/- each as compensation to the complainant and in default to undergo simple imprisonment for four months. Out of the amount remitted rs.12 lakhs was remitted to be paid to the complainant.

Counsel for the revision petitioners has only sought for time to pay the amount of compensation and that to in instalments. He has sought for 10 months time to pay the amount ofcompensation. The counsel for the respodent has opposed the application and it is pointd out that the C.c. is of the year 1998. He has also sought for enhancement the amount of compensation.

In the circumstances, the sentence is modified that the entire amount of compensation paid shall be released to the complainant. The revision petitioners/accused are granted six months time to remit the amount of compensation. They may remit the amount in instalments or in lump in accordance with their ability to generate the amount. The accused shall appear before the J.F.C.M.II, Kochi to receive sentence. The Crl.revison petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.A. 99 OF 2000
JUDGMENT

27-6-2007